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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,450	10/30/2003	Brian Tracey	1062/D75	7964

2101 7590 12/27/2006  
BROMBERG & SUNSTEIN LLP  
125 SUMMER STREET  
BOSTON, MA 02110-1618

EXAMINER

WEINSTEIN, LEONARD J

ART UNIT	PAPER NUMBER
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3746

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/27/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/697,450

Applicant(s)

TRACEY ET AL.

Examiner

Leonard J. Weinstein

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :7/29/04; 7/18/05; 12/15/05; 9/14/06.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Applicant should note that the large number of references in the attached IDS have been considered by the examiner in the same manner as other documents in Office search files are considered by the examiner while conducting a search of the prior art in a proper field of search. See MPEP 609.05(b). Applicant is requested to point out any particular references in the IDS which they believe may be of particular relevance to the instant claimed invention in response to this office action.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-66 are rejected under 35 U.S.C. 102(b) as being anticipated by Mattson et al. 5,638,737. Mattson teaches all the limitations as substantially claimed including: a bezel 70 for use in delivery of pneumatic pressure having a rigid block 74 having a plurality of ports 52 integrally molded on a port side 30 of the rigid block, each port 52 providing a solvent bondable tubing connection 48a and 48b to the bezel, a plurality of cavities 56 and 58 on a pumping side 72 of the rigid block, each cavity in fluid communication, via 50a, through the rigid block with one of the ports 52 for delivering pneumatic pressure applied to the port through the solvent bondable tubing connection

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48; wherein the port side 30 is opposite to a pumping side 72, with element 72 and element 30 on opposite sides of a chamber bordered by element 78 and wherein port 52 extends from the side of element 30 of element 70 through the rigid block to a side of pump element 72; the ports are hollow tubular structures 52 integral with the rigid block and extending out from the port side 30 of the rigid block; ports 52 have inner diameters larger in size than the cavity, 58 or 56, in fluid communication therewith (figure 2); a first depression 50a in the pumping side 72 of the rigid block, the first depression having at least one 58 of the cavities therein; ribs 40 extending up from the first depression 50a to form an elevated  $45^0$  (see figure 5) contour 47 above the pumping side 72 of the rigid block, 76b in figure 1, and the ribs 40 allowing pneumatic pressure, via 44 and 45, applied through the at least one cavity 58 in the first depression 50a to be applied over the elevated contour,  $45^0$  (see figure 5); the ribs 40 form a symmetrical grid, 44 and 45, of air passages; the first depression 50a includes a chamber wall 58 from which the ribs 40 extend such that removal of the ribs 40 leaves an open chamber defined by the chamber wall 54 and 55; the ribs, 40 are removable, figure 3, by a milling operation; an open chamber formed by a second depression 50b in the pumping side 72 of the rigid block; each of the first and second depressions, 50a and 50b, include two, 56 and 58, of the cavities; the ribs 40 are arranged to provide a plurality of air passages, via 45 of 40 and 54 and 55, between the two of the cavities 56 and 58; the ribs, 44 of 40 and 54, leave a straight air passage, center of 56 communicating with 46, unobstructed by ribs 40 at each of the two cavities, 56 and 58, such that at the respective straight air passage connects each of the two cavities 56 and 58 to the plurality of air passages, via 45 of 40 and 54 and 55, between the two of the cavities; wherein the ribs 40 are parallel to a perimeter, inner wall of 52, of the first

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depression 50; the elevated contour 47 formed by the ribs 40 is a mound that increases in height, 45<sup>0</sup> (see figure 5), from a perimeter, inner wall of 52, of the first depression, 50a or 50b, toward a middle 42 of the mound; the ports 52 are hollow tubular structures integral with the rigid block 70 and extending out, via 76a or 76b, from the port side 30 of the block 70; the ports 52 have inner diameters, inner walls of 52, larger in size than the cavity, 58 and 76, in fluid communication therewith; and a means for coupling a rib insert 40, see figure 9 and 10, in the depression, 50a or 50b, the rib insert 40 including ribs 44 extending up from the first depression, 50a or 50b, to form an elevated contour 47 above the pumping side 72 of the rigid block 70, the ribs allowing pneumatic pressure applied through the at least one cavity, 56 via element (void) 46, in the first depression, 50a or 50b, to be applied over the elevated contour 47. Further Mattson teaches a rigid block 74 having a plurality of cavities, 58 and 56, on a pumping side 72 of the block in fluid communication with ports 52 accessible from a port side 30 of the block, via removal of element 40 as in Figure 3; a bezel assembly, 74 and 50(a & b), formed by a rigid block 74 having a plurality of cavities, 56 and 58, with a first depression, 50a and/or 50b, having at least one of the cavities 56 in the pumping side 72 of the rigid block 74, ribs 40 extending up from the first depression, 50a and/or 50b, to form an elevated contour 47 above the pumping side 72, and a gasket, (col. 6 ll. 55-67), fitting over the pumping side 72 of the rigid block 74 such that positive pressure, as exemplified by element 72b in figure 2, applied through the at least one cavity 56 in the first depression, 50a and/or 50b, forces a gasket membrane 78 to expand away from the pumping side 72 and negative pressure, as exemplified by element 72a in figure 2, applied through the at least one cavity 56 in the first depression, 50a and/or 50b, pulls the gasket membrane 78 against the elevated contour 47 of the ribs, 40 and 54 and 55;

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and wherein the ribs, 54 and 55, are molded, see figure 6, into the first depression 50a and/or 50b.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is cited on form 892 herewith.

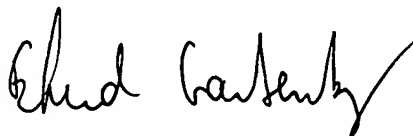
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard J. Weinstein whose telephone number is 571-272-9961. The examiner can normally be reached on Monday - Thursday 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571-272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
LJW

12/18/2006



**EHUD GARTENBERG  
SUPERVISORY PATENT EXAMINER**